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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera,
Luis Javier Vazquez, and Kyle Kingsbury, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting Championship
and UFC,

Defendant.

No.: 2:15-cv-01045-RFB-BNW

**PLAINTIFFS' NOTICE OF:
(1) EFFECTUATION OF CLASS
NOTICE PLAN, AND (2) NO
EXCLUSIONS FROM BOUT CLASS**

1 Plaintiffs submit this notice to confirm: (1) the Court’s approved plan for distributing notice
 2 to members of the certified Bout Class (the “Notice Plan”) has been effectuated as required by this
 3 Court’s November 17, 2023, Order Granting Plaintiffs’ Unopposed Motion to Approve Class
 4 Notice Plan, ECF No. 921 (“Class Notice Order” or “Order”); and (2) no members of the Bout
 5 Class have requested exclusion from the certified Bout Class. The attached Declaration of
 6 Plaintiffs’ Notice Administrator, Steven Weisbrot, President and CEO of Angeion Group, LLC
 7 (“Angeion”),¹ and accompanying exhibits detail the implementation of the Notice Plan and the
 8 absence of valid exclusions or objections from Bout Class members.

9 In the Class Notice Order, the Court approved Plaintiffs’ proposed Notice Plan, which
 10 entailed: direct long-form notice by First-Class mail and short-form notice by email to all
 11 reasonably identifiable Bout Class members of the nature of this action, including the claims and
 12 defenses raised therein and Bout Class members’ legal rights and options; a comprehensive media
 13 campaign, including targeted advertising on social media and paid search advertising on Google; a
 14 posted-notice campaign in notable mixed martial arts (“MMA”) gyms; and a dedicated website and
 15 toll-free telephone hotline where Bout Class members could learn more about the litigation and
 16 their legal rights and options. *See* Class Notice Order at 2-3. The Court concluded that Plaintiffs’
 17 proposed forms and manner of notice to Bout Class members constituted “the best notice
 18 practicable under the circumstances and satisfie[d] the requirements of due process and Rules
 19 23(c)(2) and 23(e)(1) of the Federal Rules of Civil Procedure.” *Id.* at 2. The Court appointed
 20 Angeion to serve as Notice Administrator for the Bout Class in disseminating the Notice. *Id.*

21 Pursuant to the approved Notice Plan, members of the Bout Class could request exclusion
 22 from the Bout Class no later than “66 days after the date of the Class Notice Order.” *Id.* at 4. The
 23 last day for members of the Bout Class to request exclusion was therefore January 22, 2024. *See*
 24 Weisbrot Decl. ¶ 21. The Class Notice Order further specified:

25
 26 ¹ Declaration of Steven Weisbrot of Angeion Group, LLC Re: Implementation of Notice Plan and
 27 Report on Exclusions and Objections Received, dated February 5, 2024 (“Weisbrot
 Declaration”).

No later than eighty (80) days after the date of this Order, Plaintiffs shall file a declaration from Angeion confirming that the Notice Plan has been effectuated as required herein, and identifying those Bout Class members, if any, who have (a) requested to be excluded from the Bout Class, and (b) meet the requirements for a valid request for exclusion as set forth in the Notice.

Class Notice Order at 4.

As detailed in the Weisbrot Declaration and accompanying exhibits, each element of the Notice Plan has been effectuated in full compliance with the Class Notice Order, as well as the requirements of due process and Rules 23(c)(2) and 23(e)(1) of the Federal Rules of Civil Procedure. In addition, no Bout Class members have requested exclusion from the Bout Class.

First-Class Mail Notice

On November 18, 2023—the day after the Court issued the Class Notice Order—Class Counsel provided Angeion files containing contact information for Bout Class members (the “Bout Class List”), which included 1,286 unique names, of which 881 had mailing addresses and 933 had email addresses. *See* Weisbrot Decl. ¶ 7. On December 8, 2023, Angeion mailed the Court-approved long-form notice by First-Class mail to the 881 mailing addresses on the Bout Class List. *Id.* ¶ 9, Ex. A. As of January 31, 2024, Angeion received 82 long-form notices returned as undeliverable with no forwarding address. Angeion performed address verification searches and is in the process of remailing 59 long-form notices to identified updated addresses. *Id.* ¶ 10.

Email Notice

On December 8, 2023, Angeion emailed the Court-approved short-form notice to the 933 email addresses on the Bout Class List. Of these, 880 were delivered and 56 were identified as undeliverable. Of the 56 Bout Class members whose emails were undeliverable, all but five were successfully mailed long-form notice. Angeion is in the process of locating updated email addresses for the remaining five class members. *Id.* ¶ 11, Ex. B.

Media Campaign

On December 8, 2023, Angeion commenced the Court-approved media campaign. Angeion conducted a targeted social media campaign on Facebook, Instagram, and X (formerly Twitter), using Bout Class List email addresses. Angeion also researched and identified verified social media

accounts for 308 of the 353 Bout Class members who did not have email addresses on the Bout Class List and included these accounts in the targeted social media campaign. In addition, Angeion conducted a paid search campaign on Google, which was designed to help drive Bout Class Members who were actively seeking information about this litigation to the dedicated website. *Id.* ¶¶ 14-15. In total, the social media and paid search campaigns generated 1,755,647 impressions. *Id.* ¶ 16, Ex. D.

On December 8, 2023, Angeion distributed a press release regarding this litigation over PR Newswire. *Id.* ¶ 17, Ex. E.

Posted Notice

On December 8, 2023, Angeion commenced the Court-approved posted notice campaign. Angeion mailed poster-sized notices to 48 professional MMA gyms with a request to post the notice in a visible area for Bout Class members to view. *Id.* ¶ 12, Ex. C.

Dedicated Website and Toll-Free Hotline

On December 8, 2023, Angeion established a website dedicated to this litigation: www.UFCFighterClassAction.com. The website contains general information about the litigation and significant deadlines, downloadable copies of important documents, a list of Frequently Asked Questions, and a Contact Us link through which Bout Class members can email a dedicated email address established for the litigation. *Id.* ¶ 18. Between December 8, 2023, and January 31, 2024, the dedicated website registered 11,658 page views from 10,165 unique visitors, with 4,929 visitors registering for future updates. *Id.* ¶ 19.

On or before December 8, 2023, Angeion established a toll-free hotline dedicated to this litigation. The free hotline is accessible 24 hours a day, 7 days a week, and utilizes an interactive voice response (“IVR”) system to provide callers with responses to frequently asked questions and inform Bout Class members of important litigation dates and deadlines. *Id.* ¶ 20.

Report on Requests for Exclusion from Bout Class

The Class Notice Order further requires that Plaintiffs and Angeion identify the “Bout Class members, if any, who have (a) requested to be excluded from the Bout Class, and (b) meet the

1 requirements for a valid request for exclusion as set forth in the Notice.” Class Notice Order at 4.

2 As set forth in the Weisbrot Declaration, Angeion has not received any requests for
 3 exclusion from the Bout Class. Weisbrot Decl. ¶ 21. On January 16, 2024, Class Counsel received
 4 an email from a former professional MMA fighter named Rory Markham, in which Markham
 5 indicated his “mandate to be taken off/opting out of the Le vs. Zuffa class action lawsuit.”
 6 Plaintiffs’ data indicates that Markham is not a member of the Bout Class because he did not fight
 7 for the UFC during the Class Period.

8 DATED: February 5, 2024

Respectfully Submitted,

9 By: /s/ Eric L. Cramer

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18 *Counsel for the Class and Attorneys for Individual*
19 *and Representative Plaintiffs.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiffs' Notice of (1) Effectuation of Class Notice Plan, and (2) No Exclusions from Bout Class was served on February 5, 2024, via the District Court of Nevada's ECF system to all counsel of record who have enrolled in this ECF system.

/s/ Eric L. Cramer

Eric L. Cramer